IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 1087 OF 2004

IN

SUIT NO. 809 OF 1990

Mrs. Kalavanthi Bhagwandas
Nagpal & Ors. .. Plaintiffs.

vs.

Mr. Jethanand Bhagwandas
Nagpal and Ors. .. Defendants.

And

Mrs. Lajja Harikishandas
Chandani & Anr. .. Respondents.

Mr. P.N. Modi i/by N.C. Dalal & Co.
for plaintiffs.
Mr. U.J. Makhija i/by Mulla & Mula for
defendant nos. 1 to 3.
Mr. K.N. Gaikwad for Defendantno. 4.
Ms. Mirajee i/by Shah & Sanghvi for
Respondent Nos. 1 & 2.

CORAM : S.U.KAMDAR, J.
DATE : 13th April, 2005.

P.C.

1. The present chamber summons is taken out to

delete the plaintiff no. 3 and add the defendant nos. 5 and 6. They are claiming to be the trustees and are sought to be added as trustees of the trust of the family members. However, the learned counsel appearing for the defendant nos. 1 to 3 contends that they are not the validly appointed trustees of the said trust. The said issue is kept open to be decided at the hearing of the suit. I am also told that the trust Petition No. 1638/01 challenging the appointment of the proposed defendants is also pending in this Court. The chamber summons is granted without prejudice to the rights and contentions of the parties. It is made clear that the defendant nos. 1 to 3 will be entitled to file written statement and contend that the proposed defendants sought to be added are not the trustees of the trust. Chamber summons disposed of accordingly. No order as to costs.